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Message Text

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70
ORIGIN PM-04

INFO OCT-01 AF-08 EUR-12 ISO-00 L-03 DODE-00 MC-02 ACDA-07

AID-05 EB-07 IGA-02 OMB-01 TRSE-00 CIAE-00 H-02

INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /091 R

DRAFTED BY PM/SAS:RWSMITH:RAG
APPROVED BY PM/SAS:SWINSHIP
EUR/WE - MR. SWIHART
AF/I - COL. WIRKUS
L/PM - MR. BOREK
DOD/DSAA - MR. GUILD
PM/SAS - MR. JAMES
PM/MC - MR. BRYANT
---------- 003297
R 251336Z SEP 76
FM SECSTATE WASHDC
TO AMEMBASSY LAGOS
INFO AMEMBASSY ROME
USCINCEUR

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E.O. 11652: N/A

TAGS: MASS, IT, NI

SUBJECT: ITALIAN SALE OF APC'S TO NIGERIA

REF: A) ROME 14819 B) LAGOS 10698

1. IN VIEW OF PAST COMMUNICATIONS ON THIS SUBJECT AND OUR CONSULTATIONS WITH FMC AND OTO-MELARA, WE ARE PREPARED TO APPROVE PROPOSED ITALIAN SALE OF APC'S TO NIGERIA, PROVIDED THAT FMG GIVES US IN WRITING STANDARD TRANSFER
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ASSURANCES ALONG FOLLOWING LINES.

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2. QTE: THE MINISTRY OF FOREIGN AFFAIRS OF NIGERIA PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOR TO CALL TO THE ATTENTION OF THE EMBASSY THE PROPOSED PURCHASE BY THE FEDERAL MILITARY GOVERNMENT OF NIGERIA OF 500 M-113 A1 ARMORED PERSONNEL CARRIERS FROM ITALY.

AS THE EQUIPMENT IN QUESTION HAS BEEN MANUFACTURED IN ITALY BY THE USE OF TECHNOLOGY EXPORTED UNDER LICENSE FROM THE UNITED STATES, THE FEDERAL MILITARY GOVERNMENT OF NIGERIA UNDERSTANDS THAT THE CONSUMMATION OF THIS TRANSACTION IS DEPENDENT UPON THE RECEIPT BY THE GOVERNMENT OF ITALY OF WRITTEN CONSENT TO THE SALE FROM THE UNITED STATES GOVERNMENT AND FURTHER UNDERSTANDS THAT IN KEEPING WITH UNITED STATES LAW AND REGULATIONS, THE UNITED STATES GOVERNMENT MAY GIVE SUCH CONSENT ONLY UPON BEING FURNISHED WITH ASSURANCES FROM THE FEDERAL MILITARY GOVERNMENT OF NIGERIA THAT IT WILL NOT TRANSFER BY ANY MEANS SUCH DEFENSE ARTICLES TO ANY OTHER COUNTRY, INTERNATIONAL ORGANIZATION, OR PERSON WITHOUT FIRST OBTAINING THE WRITTEN CONSENT OF THE UNITED STATES GOVERNMENT AND THAT SUCH DEFENSE ARTICLES WILL BE USED ONLY FOR THE PURPOSES FOR WHICH MILITARY SALES MAY BE MADE BY THE UNITED STATES.

IN ACCORDANCE WITH THE FOREGOING, THE FEDERAL MILITARY GOVERNMENT OF NIGERIA HEREBY GIVES ITS ASSURANCES THAT IT WILL NOT TRANSFER THE ARMORED PERSONNEL CARRIERS AND/OR THEIR COMPONENTS WHICH IT PROPOSES TO PURCHASE FROM ITALY BY SALE, LEASE, RELEASE, ASSIGNMENT, LOAN, CONVEYANCE, OR ANY OTHER MEANS TO ANOTHER GOVERNMENT, INTERNATIONAL ORGANIZATION, OR PERSON WITHOUT FIRST OBTAINING THE WRITTEN APPROVAL OF THE UNITED STATES GOVERNMENT AND THAT IT WILL USE SUCH ARTICLES SOLELY FOR INTERNAL SECURITY, FOR LEGITIMATE SELF-DEFENSE, TO PARTICPATE IN REGIONAL OR COLLECTIVE ARRANGEMENTS OR MEASURES CONSISTENT WITH THE CHARTER OF THE UNITED NATIONS, OR TO ENGAGE IN THE CONSTRUCTION OF PUBLIC WORKS OR OTHER ACTIVITIES HELPFUL TO ECONOMIC AND SOCIAL DEVELOPMENT. (FORMAL CLOSE) END QTE.
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3. IN VIEW OF APPARENT NIGERIAN UNCERTAINTY AS INDICATED IN REF B, EMBASSY MAY USE ITS DISCRETION IN DECIDING WHEN TO REQUEST ASSURANCES. YOU MAY WISH TO POINT OUT TO FMG THAT CONDITIONS CONTAINED IN ABOVE ASSURANCES PARALLEL THOSE CONTAINED IN LETTERS OF OFFER IN CASES OF DIRECT FMS SALES BY THE USG. PLEASE INFORM DEPARTMENT WHENEVER ABOVE ASSURANCES ARE RECEIVED AND POUCH COPY OF TEXT (ATTN:

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PM/SAS).

4. FOR ROME: YOU MAY WISH TO TELL APPROPRIATE GOI OFFICIALS THAT ONCE FMG GIVES US THESE ASSURANCES, WE WILL BE ABLE TO PROVIDE FINAL USG CONSENT TO PROPOSED TRANSFER. SUCH CONSENT WILL AS USUAL BE BASED ON CAVEAT THAT SINCE THIS PROPOSED PRODUCTION WOULD NOT BE FOR THE ITALIAN ARMED FORCES, WE COULD NOT ATTACH THE SAME IMPORTANCE WE WOULD OTHERWISE ACCORD TO FACILITATING PRIORITY DELIVERY OF COMPONENTS AND SUB-ASSEMBLIES WHICH WOULD BE REQUIRED BY THE ITALIAN MANUFACTURER SHOULD AN EVENTUAL ORDER BY THE FMG CALL FOR ACCELERATED DELIVERY. KISSINGER

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